

File No. 1694-17

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF:

Chapter 13

Virgil Day,
Kathy Kyle-Day,

Case No. 08-30179

Honorable Judge Cox

Debtors.

**RESPONSE TO NOTICE OF CURE OF ALL PRE-PETITION
MORTGAGE OBLIGATION**

Now comes Litton Loan Servicing, LP ("Litton") and files this Response to the Trustee's Notice of Final Mortgage Cure Amount and in support states as follows:

1. On December 3, 2009, Chapter 13 Trustee Tom Vaughn filed a Notice of Payment of Final Mortgage Cure Amount. The Notice was subsequently served on Litton and indicated that if the creditor is not post petition current, it must file a response within sixty days of said Notice. This response is being filed within that time frame. Litton is the servicer for the mortgage.
2. The Debtors are not current on their post-petition mortgage payments regarding the real estate located at: 2213 W. 167th St., Hazel Crest, Illinois 60429 ("Real Estate"). The plan was confirmed on January 26, 2009.
3. Since there is a post petition default the mortgage should not be considered fully reinstated. The default figures presents are good through the cure date.
4. The loan is due based upon post-petition arrears on the mortgage due at the time of the Trustee's Notice. The following is due and owing:
 - i) \$3,907.15 in post-petition mortgage payments from December 1, 2008 through November 1, 2009;

- ii) \$150.30 in post-petition late charges;
- iii) \$95.00 in post-petition BPO; and,
- iv) \$24.50 credit.

That the total post petition default for the mortgage totals \$4,127.95. The mortgagee should not be required to treat the mortgage as reinstated and fully current. The creditor reserves the right to amend this response.

Respectfully submitted,

/s/ Mitchell A. Lieberman
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